

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 2784
of 2026**

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RAJENDRABHAI KANUBHAI RABARI & ORS.**Versus****STATE OF GUJARAT**

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Appearance:**MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1,2,3****MS. ASMITA PATEL, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 24/02/2026****ORAL ORDER**

1. Learned advocate Mr. Abhishek Khuman appears and submits that he has instructions to appear on behalf of the respondent no.2 – original complainant. He is permitted to file his appearance. Registry shall accept his vakalatnama.

2. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused seeks to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No. 11197054260065 of 2026 registered with the Varnama Police Station, Vadodara Rural, for the offences punishable under Sections 336(2), 336(3), 338, 340(2), 61(2) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto.

3. Today, when the matter is called out, the complainant is personally present before this Court and has filed an affidavit. The same is ordered to be taken on record. In the said affidavit, the complainant has categorically stated that with the intervention of the friends, family members and community people, the dispute has been amicably resolved with the applicants and there is no ill-will or any grievance amongst them.

4. Considering the issue involved in the present application as well as considering the fact that the dispute has been amicably resolved between the parties, with the consent of the learned advocates appearing for the respective parties, the present application is taken up for final disposal.

5. **RULE** returnable forthwith. Learned APP Ms. Asmita Patel waives service of notice of rule for and on behalf of the respondent no.1 - State and learned advocate Mr. Abshishek Khuman waives service of notice of rule for and on behalf of the respondent no.2 - complainant.

6. Learned advocate for the applicants-accused has submitted that since the dispute has been amicably resolved between the parties, the application may be allowed and the impugned FIR may be quashed and set-aside.

7. The complainant, who is personally present in the Court, has categorically stated before this Court that she has no objection if the application is allowed and the FIR is quashed and set-aside. Thus, it appears from the aforesaid that sending the applicants-accused to face the trial would be nothing but a futile exercise and would amount to abuse of process of law.

8. The relevant paragraphs of the affidavit filed by the complainant - Bhikhiben wd/o Jashbhai Babarbhai Baria, read thus :

"1. Being complainant of the present case, I'm aware about the facts and circumstances of the case.

2. I've gone through the contents of the averment of above stated application filed by the applicants, and I reiterate the same.

3. I'm complainant of the F.I.R filed before Varnama Police station, Vadodara Rural being CR. No.1-11197054260065 of 2026 against the applicant for the offenses under sections 336(2), 336(3), 338, 340(2), 61(2) and 54 of Bhartiya Nyay Sanhita.

4. I say that as stated in the petition, the matter is amicably and peaceful resolved with regard to document in question and for which the document is to be cancelled and accordingly Special Civil Suit no. 16 of 2026 is also filed.

5. I say and submit that as in fact, as agreed about cancellation of document, therefore the dispute no longer exists and same is pertains to private civil dispute amicably and peacefully, under this circumstances, I urges the Hon'ble Court to accept the prayer as prayed for by the petitioner. Copy of SPCS No. 16 of 2026 and comprise agreement (karardad) is attached herewith.

6. I say and submit that the dispute between myself and

applicant-accused is settled now and we have buried our grievances, and it was decided to conclude the proceedings, I, therefore humbly urges the Hon'ble Court to terminate the proceeding as prayed for by the applicant by quashing and setting aside the F.I.R being CR No. I-11197054260065 of 2026 filed before Varnama Police station, Vadodara Rural and further proceedings arising thereof, I've no objection.

7. *I'm filing this affidavit on my free will and wish without there being any undue pressure."*

9. Having heard learned advocates appearing for the respective parties as well as considering the facts and circumstances arising out of the present application and taking into consideration the decisions rendered in the cases of ***Gian Singh vs. State of Punjab & Another***, reported in (2012) 10 SCC 303, ***Madan Mohan Abbot vs. State of Punjab***, reported in (2008) 4 SCC 582, ***Nikhil Merchant vs. Central Bureau of Investigation & Another***, reported in (2009) 1 GLH 31, ***Manoj Sharma vs. State & Others***, reported in (2009) 1 GLH 190, and ***Narinder Singh & Others vs. State of Punjab & Another***, reported in (2014) 2 Crime 67 (SC) as well as ***State of Haryana vs. Bhajanlal***, reported in AIR 1992 SC 604, it appears that further continuation of the criminal proceedings in relation to the impugned FIR against the applicants-accused would be nothing but unnecessary harassment to the applicants-accused. It further appears that the trial would be a futile exercise and continuing further with the proceedings pursuant to the impugned FIR would amount to abuse of process of law. Hence, to secure the ends of justice, the impugned FIR and all other consequential proceedings arising pursuant thereto are

required to be quashed and set-aside in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In the result, the application is allowed. The First Information Report No. 11197054260065 of 2026 registered with the Varnama Police Station, Vadodara Rural, for the offences punishable under Sections 336(2), 336(3), 338, 340(2), 61(2) and 54 of the Bharatiya Nyaya Sanhita, 2023, as well as all other consequential proceedings arising pursuant thereto are hereby ordered to be quashed and set-aside, qua the present applicants only.

11. Rule made absolute. Direct service is permitted.

AMAR SINGH

(VIMAL K. VYAS, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR SINGH(HC01081), PRIVATE SECRETARY, at High Court of Gujarat on 25/02/2026 15:28:22